

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants Charles Edward BRIGHT
Serial No 10/575557 (National Phase of PCT/GB2004/004360)
Filed April 12, 2006
Confirmation No. 8935
For APPLICATOR
Attorney Docket 02838

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR SUBMISSION OF DECLARATION UNDER 37 CFR 1.47
Refusal of Inventor to Sign
-and-

REQUEST FOR CORRECTED FILING RECEIPT

1. Background

A Notification of Missing Requirements was issued on March 1, 2007. On August 22, 2007, a Petition for Extension of Time (4 months) was filed, along with "Completion of Missing Requirements." In this particular application, the inventor refused to execute the Declaration. Supporting documentation for filing the application when an inventor refuses to join was attached to the Completion of Missing Requirements. On February 1, 2008 a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 was issued. An official filing receipt was also issued on February 1, 2008.

It has just recently come to applicant's attorneys' attention that the Completion of Missing Requirements was not submitted, nor was it processed, as a Petition under 37 CFR 1.47. Accordingly, applicant hereby petitions for entry of the Declaration under 37 C.F.R. 1.47.

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2. Applicant's Refusal to Join

The applicant herein, Charles Bright, refused to sign the Declaration. Reference is made to Mr. Bright's letter dated October 20, 2006 (submitted on August 22, 2007) to Mr. Colin Baker. Mr. Baker is U.K. counsel to Femcare Limited, the employer of Charles Bright. Femcare Limited has a proprietary interest in the invention as the employer of Charles Bright.

The last known address of the non-signing inventor is: 40 Somerville Road, Alrewas, Nr. Burton on Trent, Staffs DE13 7EJ, United Kingdom. This is the same address indicated on Mr. Bright's letter of October 6, 2008.

3. Declaration

The Declaration (submitted August 22, 2007) was signed by Adam Peter McQuilkin for Charles Bright, the non-signing inventor, and in behalf of Femcare Limited, the employer of Charles Bright. Mr. McQuilkin is the Group Business Development Director of Femcare Limited.

4. Proof of Proprietary Interest

Documentation in support of Femcare Limited's proprietary interest in the invention was also submitted on August 22, 2007. Please refer to the Affidavit of Adam Peter McQuilkin, Charles Bright's Contracts of Employment, and the Legal Memorandum of Colin Baker.

5. Statement of Irreparable Damage

A filing date for this application is necessary in order to preserve the rights of and to prevent irreparable damage to Femcare Limited.

6. Request for Corrected Filing Receipt

Applicant requests that the Official Filing Receipt be corrected as follows. A marked up copy of the OFR is attached to this Petition.

Under "Domestic Priority Data, the PCT Application number should read: PCT/GB04/004360.

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Under "Foreign Applications" there is an error in the reference to U.K. Application No. 0324106.4. The OFR erroneously indicates the U.K. Application No. 0324104.4. Correction is respectfully requested.

7. Authorization to charge deposit account

The U.S. Patent and Trademark Office is authorized to charge any fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #190120.

Respectfully submitted,
Charles Edward Bright., Applicant

Dated: May 5, 2008

By: 

David M. Driscoll, Reg. No. 25,075

Applicants' Attorney

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/575,557	08/24/2007	3641	1030	02838	20	3

CONFIRMATION NO. 8935

David M. Driscoll
 Salter & Michaelson
 321 South Main Street
 Providence, RI 02903-7128

FILING RECEIPT



0000000028000591

Date Mailed: 02/01/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Charles Edward Bright, Staffordshire, UNITED KINGDOM;

Power of Attorney:

David Driscoll--25075

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB04/04360 10/15/2004

Foreign Applications

UNITED KINGDOM 0324104.4 10/15/2003

UNITED KINGDOM 0415796.2 07/15/2004

004360

0324106.4

If Required, Foreign Filing License Granted: 01/30/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/575,557**

Projected Publication Date: 05/08/2008

Non-Publication Request: No

Early Publication Request: No